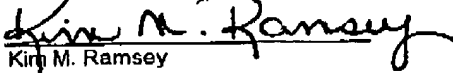


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Kim M. Ramsey

PATENT APPLICATION  
Attorney Docket No. 2705-170

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ramesh Kalimuthu et al. Confirmation No. 4300  
Serial No.: 09/944,252 Examiner: Kwang Bin YAO  
Filed: August 30, 2001 Group Art Unit: 2616  
For: DEVICES, SOFTWARES AND METHODS FOR DYNAMIC  
BANDWIDTH ALLOCATION FOR ATM CONNECTIONS

MAIL STOP PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

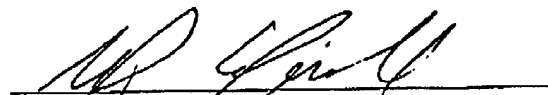
Enclosed for filing in the above-referenced application are the following:

- ☒ Petition For New Notice of Allowance and To Withdraw Holding Of Abandonment And Statement By Michael A. Cofield
- ☒ Exhibits A, B and C
- ☒ Any deficiency or overpayment should be charged or credited to Deposit Account No. 13-1703.

Customer No. 20575

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

  
Michael A. Cofield  
Reg. No. 54,630

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503-222-3613

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*Kim M. Ramsey*  
Kim M. Ramsey

PATENT APPLICATION  
Attorney Docket No. 2705-170

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ramesh Kalimuthu et al. Confirmation No. 4300  
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PETITION FOR ISSUANCE AND  
TO WITHDRAW HOLDING OF ABANDONMENT AND  
STATEMENT BY MICHAEL A. COFIELD

1. I hereby petition to withdraw the holding of abandonment in the above referenced patent application and request issuance in accordance with Delgar Inc. v. Schuyler, 172 USPQ 513, on the grounds that the Notice of Allowance forming the basis of the abandonment was not received by Applicant's attorneys.

2. I hereby state:

(a) The Notice of Allowance indicated as mailed on January 9, 2006, was not received. (Exhibit A - USPTO pair-direct search)

(b) A search of the file jacket and the docket records in my office by Gina Henderson, our Docket Manager, indicates that the Notice of Allowance was not received.

3. Attached is a copy of our docket record showing that the Notice of Allowance was not received. Had the Notice of Allowance been received, it would have been entered, which it was not. Instead, our Docket Manager entered "Petition to Revive," which is standard procedure when an unexpected Notice of Abandonment is received instead of the expected Notice of Allowance. (Exhibit B - Case Information for 2705-170)

4. Attached is a Memorandum from Gina Henderson, including screen shots from our electronic database, showing that, according to our database, the status of this patent application is pending and not allowed. (Exhibit C - Memorandum re: 2705-170)

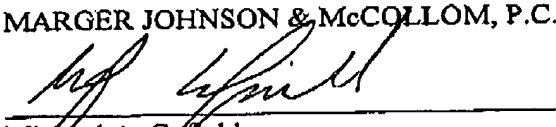
5. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.

I, Michael A. Cofield, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Customer No. 20575

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

  
\_\_\_\_\_  
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Google

Application Number:	09/944,252	Customer Number:	20075
Filing or 371(a) Date:	08-30-2001	Status:	Abandoned - Failure to Pay Issue Fee
Application Type:	Utility	Status Date:	05-16-2006
Examiner Name:	YAO, KWANG BIN	Location:	ELECTRONIC
Group Art Unit:	2616	Location Date:	
Confirmation Number:	4300	Earliest Publication Date:	
Attorney Docket Number:	2705-170	Latest Publication Date:	
Class/ Sub Class:	370/232	Patent Number:	
First Named Inventor:	Ramesh Kalimuthu, Fremont, CA (US)	Issue Date of Patent:	
Title Of Invention:	DEVICES, SOFTWARES AND METHODS FOR DYNAMIC BANDWIDTH ALLOCATION FOR ATM CONNECTIONS		

Select Search Option

Abandonment  
Display References  
Image File Wrapper  
Patent Term Adjustment History

Search

Date	Contents Description
05-16-2006	Mail Abandonment for Failure to Pay Issue Fee
05-16-2006	Abandonment for Failure to Pay Issue Fee
03-21-2006	Case Docketed to Examiner in GAU
03-22-2006	Correspondence Address Change
01-09-2006	Mail Notice of Allowance
04-06-2006	Notice of Allowance Data Modification Completed

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EXHIBIT A

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Memo re: 2705-170  
May 26, 2006

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In support of the Petition to Withdraw Holding of Abandonment Under 37 CFR §1.181(a), following is an explanation of our docket record, specifically with regard to our procedure for docketing a Notice of Allowance.

Fig. 1 is a screen print of our docketing database interface, showing that no Notice of Allowance was entered. Had a Notice of Allowance been received, the "Status" field would have been changed to "Allowed", and "Notice of Allowance" would have been entered in the "Dates & Nos." section.

Fig. 1

Base Date	Description	Number	Date
RCD	Case received		26Feb2001
APP	Application No. / Date	05/944,252	30Aug2001
NAB	Notice of Abandonment		19May2005
GAU	Group Art Unit	2616	
CNF	Confirmation Number	4300	
CPO	Cisco Patents Online	03221	

Referring now to Fig. 2, had a "Notice of Allowance" base date been entered, an "Issue fee" due date would have been calculated, and would appear in the "Diary Dates" section of the database interface (Fig. 2).

**EXHIBIT C**

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**Fig. 2.**

Fig. 2.

Arctic - Patents

Module: Arctic - Patents

File No.: 2005-120

Project: BR-4122

Status: 01/01/2005

Date: 05/05/2005

Time: 10:00

Location: 1000

Remarks: 1000

Remarks: 1000

Outstanding

File No.	Project	Status	Date	Time	Location	Remarks	Remarks
2005-120	BR-4122	01/01/2005	10:00	1000	1000	1000	1000

Completed

File No.	Project	Status	Date	Time	Location	Remarks	Remarks
0A3	AMEND	21 Oct 2005	06 Oct 2005				
FCL	Filing report?	28 Nov 2001	15 Oct 2001				

**EXHIBIT C**

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